

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STANLEY RIMER,

Plaintiff(s),

v.

BRIAN SANDOVAL, et al.,

Defendant(s).

Case No. 2:13-CV-1440 JCM (GWF)

ORDER

Before the court is plaintiff's motion for reconsideration of order striking plaintiff's opposition for exceeding the page limit prescribed by local rules. (Doc. #104). Defendants have not filed a response.

On May 8, 2015, defendants filed a motion for summary judgment. (Doc. # 81). On May 20, 2015, plaintiff filed a motion for an enlargement of time to respond. (Doc. # 89). This court granted plaintiff's motion on June 1, 2015, granting plaintiff an additional 45 days to file his response. (Doc. # 92).

On July 9, 2015, plaintiff filed another motion for enlargement of time to file an opposition to defendants' motion for summary judgment. (Doc. # 96). Without waiting for a ruling on this matter, on July 13, 2015, plaintiff filed his response to defendants' motion. (Doc. # 97). Plaintiff's response was over 100 pages, and accompanied by over 100 additional pages of exhibits. (*Id.*). On July 27, 2015, defendants moved to strike plaintiff's response because it exceeded the 30-page limit prescribed by local rule 7-4. (Doc. # 100). This court granted defendants' motion on July 28, 2015, striking plaintiff's response. (Doc. # 102). At that time, this court granted plaintiff an

1 additional 30 days to file a response that complies with the page limit provided by local rule 7-4.
2 (*Id.*) Accordingly, plaintiff's response deadline was set for August 27, 2015.

3 On August 6, 2015, plaintiff filed the instant motion for reconsideration. (Doc. # 104).
4 Plaintiff's motion asks this court to reconsider its July 28, 2015 order (doc. # 102), striking
5 plaintiff's response.
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7 "Reconsideration is appropriate if the district court (1) is presented with newly discovered
8 evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is
9 an intervening change in controlling law." *Morgan Stanley & Co. v. Shriners Hosp. For Children*,
10 No. 2:09-cv-398, 2012 WL 642523, *2 (D. Nev. Feb. 28, 2012) (quoting *School Dist. No. 1J v.*
11 *AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.1993); *see generally* FED. R. CIV. P. 60(b)(1) and (6)
12 (stating that a court may relieve a party from an order for "mistake, inadvertence, surprise, or
13 excusable neglect" or "any other reason that justifies relief.").

14 In plaintiff's motion for reconsideration, he states in great detail his reasons for filing such
15 a lengthy response to defendants' summary judgment motion. This court previously expressed the
16 opinion that plaintiff's original response contained "many redundant and tangential arguments that
17 would be unduly burdensome for [defendants] to respond and for this court to consider" (Doc.
18 # 102 at 2). Plaintiff's motion for reconsideration concedes that there are some redundancies (doc.
19 # 104 at 3), yet asserts that he should be given "great leeway" to "allow [him] to express his legal
20 arguments." (*Id.* at 2).
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24 Plaintiff's motion provides this court with no newly discovered evidence nor has there been
25 any intervening change in controlling law. *Morgan Stanley*, 2012 WL 642523 at *2. Having
26 weighed plaintiff's argument on several occasions, there is no evidence that the order striking
27 plaintiff's original response was a "clear error or . . . manifestly unjust." *Morgan Stanley*, 2012
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1 WL 642523 at *2. Plaintiff's motion to reconsider is primarily based upon the assertion that he
2 should be allowed to exceed the court's 30-page limit for his response. However, this court has
3 already considered this argument and denied plaintiff's multiple requests to exceed the page limit
4 for his response. Therefore, plaintiff's request for reconsideration is hereby denied.
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6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to
8 reconsider order (doc. # 104) be, and the same hereby is, DENIED.

9 DATED October 9, 2015.

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13 UNITED STATES DISTRICT JUDGE
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